

REMARKS

Status of case

Claims 1, 3-15, and 23-31 are pending.

Rejection under 35 U.S.C. §103

Claims 1, 2, 13, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn (WO 00/72344 A1; and the corresponding DE 199 25 051 C2) in view of Moster (U.S. Patent No. 6,658,132). Claim 3, 16, 18, 21 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn and Moster, and further in view of Banter (U.S. Patent No. 6,512,834). Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn and Moster, and further in view of Ford (U.S. Patent No. 5,664,015). Claims 5, 6, 9, 11, 14 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn and Moster, and further in view of Bohnke (U.S. Patent No. 6,546,107). Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn and Moster, and further in view of Daddis (U.S. Patent No. 6,029,942). Claims 10, 12, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn, Moster, and Bohnke, and further in view of Daddis. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn, Moster, Bohnke, and further in view Banter (U.S. Patent No. 6,512,834).

The Office Action states that the Kuhn reference teaches a foil 42 that is placed over holes 28 and acts as a second membrane for the speaker 38. The Office Action acknowledges that the Kuhn reference teaches that the foil 42 is placed on the interior of the enclosure, and fails to teach or even suggest that the foil is placed on the exterior of the enclosure. To remedy this failing, the Office Action relies on the Moster reference as teaching that a "foil-like cover" 14 is placed on the enclosure. The Moster reference teaches that the hospital bed electronics is encased in the "foil like cover" 14, with the entire front and back surfaces being covered.

The Banter reference teaches a cover for an interior portion of a cellphone, radio, etc. Specifically, the Banter reference teaches one of two ways for the protective cover assembly 14 to be placed on the interior of the cellphone (reproduced below):

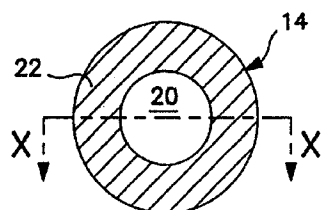


FIG. 3

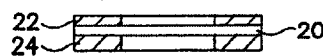


FIG. 4

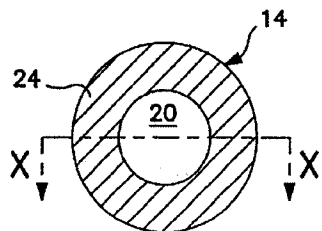


FIG. 5

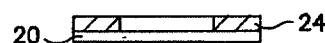


FIG. 6

As shown, the protective cover assembly 14 in the Banter reference includes the membrane 20 and at least one support system (with two support systems 22 and 24 depicted in Figure 4 and one support system 24 depicted in Figure 6). The Banter reference teaches that the protective cover assembly 14 (which includes at least one support system 24) is placed on the holes of the interior of the holes 11. The Banter reference, therefore, does not teach placing any foil directly over the holes 11, instead requiring an intermediary support.

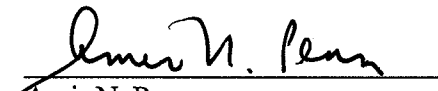
In contrast to the cited references, claim 1 recites “a foil having a first side and a second side and placed on the enclosure over the holes, and only attached to the enclosure at the first side’s perimeter such that the foil seals the speaker against intrusion by a liquid and so that an inner portion of the foil is not attached to the enclosure and is free to vibrate, thereby acting as a second diaphragm for the speaker, the second side not being attached to anything”. See also claims 9, 11, and 13. The claim thus recites that the foil is placed on the enclosure and only attached to the enclosure at the first side’s perimeter (without any additional structure or attachment to the second side). This is in contrast to the cited references, either alone or in combination. Applicants disagree that the combination of the Kuhn, Moster, and Banter references teach placing a foil on only a portion of the front face of the enclosure. Even if one were to assume that the references teach placing a foil on only a portion of the front face of the enclosure, the combined teachings require that there be an additional support (such as at least one support system 24 as taught in the Banter reference) in order to enable the foil to act as a second

membrane. In other words, the combination of references does not teach a foil (which acts as a second membrane and attached only on the perimeter) to be placed directly on the holes. Rather, the prior art requires that there be some type of intermediate support (such as support system 24) in order to provide the structure required for the foil to act as a second membrane. However, the claims as currently presented specifically exclude the additional support and recite that the foil is only attached to the enclosure at the first side's perimeter. Therefore, claims 1, 9, 11, and 13 as currently presented distinguish over any combination of the references cited.

SUMMARY

Applicant respectfully requests early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,


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